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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/050,795	01/18/2002	Mutsuya Furuhashi	102653.01	9947

7590

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EXAMINER

KOVAL, MELISSA J

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/050,795

Applicant(s)

FURUHATA, MUTSUYA

Examiner

Melissa J Koval

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/280,810.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/280,810 (now U.S. Patent 6,345,897), filed on March 30, 1999.

### ***Drawings***

Figure 17 should be designated by a legend such as -- Prior Art -- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-65 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of U.S. Patent No.

Art Unit: 2851

6,345,897 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the independent claims of the present application are generally broader than those of the patent. It would have been obvious to one having ordinary skill in the art at the time the invention was made to eliminate features from either a "projection display device controllable by a remote controller" or a "remote controller for controlling a body of a projection display device". The motivation for one having ordinary skill in the art to make such an elimination would be to create a device that is easier to manufacture and less expensive. Furthermore, some of the dependent claims of the application set forth limitations eliminated from the independent claims of the patent when compared with the independent claims of the application.

Claims 1-6, 45, 52, and 59 of the application correspond to claims 1-3 of the patent. In claim 1 of the application, the phrase "optical image forming means for forming an optical image" is used. In claim 1 of the patent, the phrase "optical system for forming an optical image" is set forth, and therein the means for forming an image is implied. With respect to claims 2 through 4, 45, 52 and 59 of the application, the use of light valves and/or digital micromirror devices as image forming means are notoriously well known in the art. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the image forming means best suited for the design of the invention to achieve a state of the art and a high quality image.

Claims 7-13, 46, 53, and 60 of the application correspond to claims 4-7 of the patent. The arguments applied to claims 1-6 of the application with respect to image forming means are applied to claims 7-13, 46, 53, and 60 of the application as well.

Claims 14-19, 47, 54, and 61 of the application correspond to claims 8-10 of the patent. The arguments applied to claims 1-6 of the application with respect to image forming means are applied to claims 14-19, 47, 54, and 61 of the application as well.

Claims 20-25, 48, 55, and 62 of the application correspond to claims 11-13 of the patent. The arguments applied to claims 1-6 of the application with respect to image forming means are applied to claims 20-25, 48, 55, and 62 of the application as well.

Claims 26-32, 49, 56, and 63 of the application correspond to claims 14-17 of the patent. The arguments applied to claims 1-6 of the application with respect to image forming means are applied to claims 26-32, 49, 56, 63 of the application as well.

Claims 33-38, 50, 57, and 64 of the application correspond to claims 18-20 of the patent. The arguments applied to claims 1-6 of the application with respect to image forming means are applied to claims 33-38, 50, 57, and 64 of the application as well.

Claims 39-44, 51, 58, and 65 of the application correspond to claims 21-23 of the patent. The arguments applied to claims 1-6 of the application with respect to image forming means are applied to claims 39-44, 51, 58 and 65 of the application as well.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pinhanez U.S. Patent Application Publication US 2002/0105623 A1 teaches multiple-surface display projector with interactive input capability.

Koyama et al. U.S. Patent Application Publication US 2002/0159035 A1 teaches a projection display system, projector and menu image display method for same.


Mori et al. U.S. Patent 6,538,643 B2 teaches a remote control having a touch pad operable in a pad-to-screen mapping mode for highlighting preselected parts of a slide displayed on a display screen.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melissa J Koval whose telephone number is (703) 308-4801. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Russell Adams can be reached on Monday through Thursday at (703) 308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 308-7382 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

MJK  
March 26, 2003

  
RUSSELL ADAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800